

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JAMES LISPIER,

Plaintiff,

v.

WOLFF, *et al.*,

Defendants.

Case No. 1:23-cv-00729-BAM (PC)

ORDER DENYING PLAINTIFF'S MOTION FOR  
PRODUCTION OF INCIDENT REPORTS AND  
NAMES OF ALL INVOLVED CORRECTIONAL  
PERSONNEL AS PREMATURE

(ECF No. 3)

Plaintiff James Lispier ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action under 42 U.S.C. § 1983. Plaintiff's complaint, filed May 11, 2023, has not yet been screened. (ECF No. 1.)

Currently before the Court is Plaintiff's motion for production of incident reports and names of all involved correctional personnel, filed May 11, 2023. (ECF No. 3.) Plaintiff requests a limited discovery order to obtain the names of all the involved personnel (correctional officers) as well as the incident report(s) authorized by said officers. Plaintiff states that he cannot bring a civil rights complaint without having the names of the persons involved in the action, and Plaintiff knows and believes that through the names of the officers would be documented in the reports about the incident. (*Id.*)

Plaintiff's motion for discovery is premature and is denied without prejudice. The Court has not screened Plaintiff's complaint to determine whether it is subject to dismissal or whether

1 the action should proceed to discovery on Plaintiff's claims. 28 U.S.C. § 1915(e)(2)(B)(ii)  
2 ("Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall  
3 dismiss the case at any time if the court determines that . . . the action or appeal . . . fails to state a  
4 claim upon which relief may be granted.") The complaint has not been ordered served, no  
5 defendants have appeared, and discovery has not been opened. Plaintiff's complaint will be  
6 screened in due course, and if it is found to state any cognizable claims against any defendants,  
7 Plaintiff will have the opportunity to provide the Court with further information as to the  
8 identities and locations of any unidentified or doe defendants.

9 Accordingly, Plaintiff's motion for production of incident reports and names of all  
10 involved correctional personnel, (ECF No. 3), is HEREBY DENIED, without prejudice, as  
11 premature. Plaintiff's complaint will be screened in due course.

12 IT IS SO ORDERED.  
13

14 Dated: May 23, 2023

15 /s/ Barbara A. McAuliffe  
16 UNITED STATES MAGISTRATE JUDGE  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28